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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,532	08/29/2005	Victor E. Cassar	112122-01Blake	4388
24573	7590	11/22/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC PO BOX 1135 CHICAGO, IL 60690-1135			DONOVAN, LINCOLN D	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/511,532

**Applicant(s)**

CASSAR, VICTOR E.

**Examiner**

Lincoln Donovan

**Art Unit**

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05-05-05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pockets of the strips, the pair of flexible straps being “welded” together, the uniform polarity arrangement, the at least one means to carry an article and the rust reducing coating must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, it is not clear what structure or arrangement applicant intends by the magnets having a "uniform polarity."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine [US 6,530,508] in view of Bosch et al. [US 4,826,059].

Regarding claim 1, Devine discloses a magnetic strip/tape [figure 1] comprising:

- a pair of flexible strips [12, 14] being bonded together in a face to face relationship with one another and connections defining a plurality of receptacles [figure 3]; and

- a plurality of magnets [20] each being housed within a respective one of the receptacles.

Devine disclose everything claimed except the receptacles being "pockets."

Bosch et al. discloses a magnetic tool holder having a plurality of pockets [15] each holding a magnet [16].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pocket design of Bosch et al. for the receptacles of Devine in order to facilitate various magnet arrangements.

Regarding claims 7-8, Devine discloses the magnets being arranged in one or more rows [figure 2] each having a "uniform polarity."

Regarding claim 9, Devine discloses the assembly having a means for carrying an article [figure 6].

Regarding claims 10-12 and 14, the specific method steps would have been necessitated by the claimed product structure.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 1 above, and further in view of Cromie [US 3,483,494].

Devine, as modified, disclose everything claimed except the strips being joined using a welding process.

Cromie discloses a support [figure 1] having a plurality of magnets [20] mounted between a pair of strips [1] via a welding process [column 1, lines 47-60].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a welding process to join the strips of Devine, as modified, as suggested by Cromie, in order to reduce thickness.

Regarding claim 13, the specific method steps would have been necessitated by the claimed product structure.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 1 above, and further in view of Good [US 5,604,960].

Devine, as modified, disclose everything claimed except the specific material used for the strips and the use of rare earth material for the magnets.

Regarding claim 4, Good discloses a magnet assembly [figure 3] formed of strips [51] made of a woven Dacron fiber.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a polyethylene fiber for the strips of Devine, as modified, as suggested by Good, in order to provide water resistance.

Regarding claim 6, Good further teaches the use of rare earth materials used to form the magnets [column 5, lines 39-47].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use rare earth materials to form the magnets of Devine, as modified, as suggested by Good, in order to enhance the magnetic strength.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 1 above, and further in view of Finnegan [US 5,593,073].

Devine, as modified, disclose everything claimed except the magnets being disc-shaped.

Finnegan discloses a wrist band [figure 1] having a disc-shaped magnet [46] mounted in a receptacle thereon.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use disc shaped magnets for the magnets of Devine, as modified, in order to facilitate movement and reduce magnet size.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine, as modified, as applied to claim 1 above, and further in view of Garber [US 2,864,096].

Devine, as modified, disclose everything claimed except the magnet environment being coated with a rust reduction means.

Garber discloses the use of a rust proofing coating in or on the magnet environment [column 1, lines 60-67].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use rust proof proofing with the magnets of Devine, as modified, as suggested by Garber, in order to prevent the magnets from rusting.

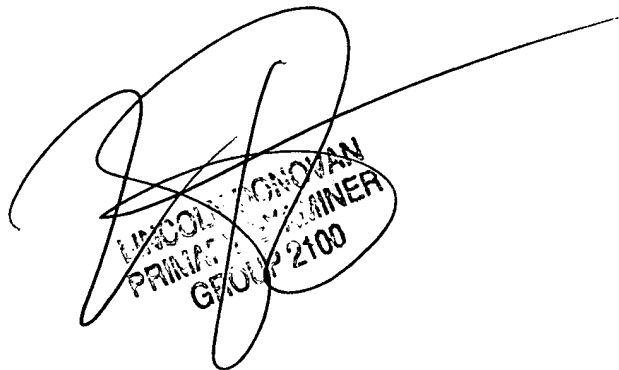
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Enad Elvin can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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